

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE MARY-ANN GSCHWEND,

Debtor/Appellant,

No. C 12-02057 JSW
Bankr. Case No 06-41635

ORDER DISMISSING APPEAL

On July 30, 2012, the Court issued an Order to Debtor/Appellant Mary-Ann Gschwend (“Gschwend”) to show cause why her appeal should not be dismissed for failure to pay the required filing fee. In response, Gschwend argues that she paid the required fee on February 29, 2012, and that Appellee Barbara G. Markus (“Markus”) is responsible for paying the fee to the District Court because Markus was the one who elected to have this appeal heard by the District Court. Upon review of the record in the underlying bankruptcy case, the Court notes that the filing fee paid by Gschwend was to reopen her bankruptcy case. In this appeal, Gschwend is seeking to challenge the Bankruptcy Court’s denial of her motion to reopen the bankruptcy case. Gschwend filed her notice of appeal on March 19, 2012.

On April 5, 2012, Gschwend requested a fee waiver for her appeal from the Bankruptcy Court. On April 16, 2012, the Bankruptcy Court denied her application for a waiver of the appeal filing fee. According to the record in the underlying bankruptcy case, Gschwend has not yet paid this required filing fee. The receipt Gschwend submitted in response to the Court’s Order to Show Cause was for her motion to reopen her bankruptcy case, not for her current appeal.

1 Because Gschwend has not paid the required filing fee for this appeal, the Court
2 HEREBY DISMISSES her bankruptcy appeal without prejudice.

3 **IT IS SO ORDERED.**

4
5 Dated: August 7, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

IN RE MARY GSCHWEND,
Debtor / Appellant

Case Number: CV12-02057 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 7, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Mary-Ann Gschwend
4402 Marsh Elder Court
Concord, CA 94521

Dated: August 7, 2012


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk